



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 5 November 2013  
(OR. en)**

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WTO 187  
COWEB 119  
USA 44  
ACP 136  
COEST 248  
NIS 44  
SPG 13  
UD 218  
STIS 3  
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**DRAFT STATEMENT OF THE COUNCIL'S REASONS**

Subject: Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures ("Trade Omnibus Act II")  
– Draft Statement of the Council's reasons

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## I. INTRODUCTION

1. On 15 June 2011, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers and implementing powers for the adoption of certain measures<sup>1</sup> (Trade Omnibus Act II).
2. On 22 November 2012, the European Parliament adopted its opinion at first reading on Trade Omnibus Act II<sup>2</sup>, under the ordinary legislative procedure.
3. A significant number of issues contained in the proposal were common to the Trade Omnibus Act I, therefore, in order to reach a coherent result, it was decided to pursue in parallel the negotiations on the two files.
4. On 20 February 2013, the COREPER adopted the negotiating mandate for the trilogue. On 5 June 2013 the final trilogue meeting took place, at which a compromise package was agreed upon. On 7 June 2013, the Trade Policy Committee (Deputies) endorsed the Presidency's compromise package, sealing the positive outcome of the trilogues. The COREPER on 12 June 2013 and the Council on 14 June 2013 have been informed of that development<sup>3</sup>. Following this, the Presidency, in cooperation with the European Parliament and the Commission, has prepared the comprehensive text of the Regulation concerned, incorporating the compromise package into the legal act. These consolidated text has been endorsed by the Working Party on Trade Questions on 5 July 2013 and the European Parliament's INTA Committee has voted its approval on 11 July 2013.

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<sup>1</sup> doc. 11762/11

<sup>2</sup> doc. T7-0447/2012

<sup>3</sup> doc. 10286/13

5. On 11 July 2013, the Chairman of the INTA Committee informed the COREPER Chair in a letter <sup>4</sup> that INTA had endorsed the consolidated text, indicating that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex to that letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at the Parliament's second reading.
6. The COREPER endorsed the final compromise text on 18 July 2013<sup>5</sup>.
7. On that basis, the Council on 23 September (via COREPER on 18 September 2013) confirmed its political agreement regarding the Regulation <sup>6</sup>.
8. Taking into account the above agreement and after legal and linguistic revision, the Council adopted its position at first reading on 15 November 2013, in accordance with the ordinary legislative procedure laid down in Article 294 of the Treaty on the Functioning of the European Union (TFEU).

## II. OBJECTIVE

The entry into force of the Treaty of Lisbon has led to significant changes both in the framework for the adoption of delegated and implementing acts and for the conduct of the common commercial policy.

It provided in particular that the ordinary legislative procedure would apply in the context of the EU trade policy.

As compared to the Trade Omnibus Act I, the Trade Omnibus Act II amends all remaining decision-making procedures found in trade policy legislation, where appropriate, in order to grant delegated powers to the Commission pursuant to Article 290 of the Treaty on the Functioning of the European Union (TFEU).

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<sup>4</sup> EXPO-COM-INTA D(2013)35655

<sup>5</sup> doc. 12276/13

<sup>6</sup> doc. 13357/13

It is also appropriate, in some cases, to apply certain procedures set out in Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>7</sup>

As a consequence, the Regulation will establish a more effective and efficient mechanism for the Commission's delegated powers and in that way will ensure consistency with the provisions introduced by the Treaty of Lisbon.

### **III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING**

The main issues, which required modifications were:

- the use of the urgency procedure;
- adjustments of the Annexes;
- scope of the regulations;
- the period of validity and renewal of delegated acts;
- the length of the period for objection to delegated acts;
- the conferral of delegated powers for the adoption of certain safeguard measures.

### **IV. CONCLUSION**

The Council's Position at first reading reflects the compromise reached in negotiations between the Council and the European Parliament as facilitated by the Commission.

This compromise was endorsed through the adoption of a political agreement by the Council on 23 September 2013, via COREPER on 18 September 2013.

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<sup>7</sup> OJ L 55, 28.03.2011, p.13

The Chair of the European Parliament's INTA Committee has indicated in a letter to the COREPER Chair<sup>8</sup> that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex to this letter, he would recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at the Parliament's second reading.

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<sup>8</sup> EXPO-COM-INTA D(2013)35655